FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order No.5l of 2006
with
Civil Application No. 62 of 2006

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| Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order | Court or Judge's Order |
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Mr Jayesh S Kotak appellant in person
Mr P G Lad for respondents

**CORAM; A.M.KHANWILKAR J.**

**DATED l9.l.2006**

**P.C.**

. The appellant appears in person. According to him the defendant nos 2 and 3 are not competent to participate in the affairs of the society in view of the injunction granted by the lower court on l3.4.2005.

. In the first place, such injunction is limited to restraining the defendant nos. 2 and 3 from acting as General Secretary and President respectively of the defendant no.l

pending the suit.No more and no less. The other rights of the defendant nos. 2 and 3 except that of Secretary and President, if any, have not been restricted in this order and they will be free to participate in the affairs of the society as may be permissible by law as ordinary members of the society but not to participate as General Secretary and President.

. Further, the gravaman of the allegation of the appellant is that an urgent general body meeting has been convened of the members of the society under the signature of Mr. Dhakane who is Vice President. The appellant contends that even Mr. Dhakane has no authority to issue such notice in view of the order passed by the Charity Commissioner on 26.9.2005. To consider this grievance it is apposite to advert to the order passed by the Charity Commissioner which reads thus:

" R.T absent. Not proceeded with the proceedings nor produced original

documents.On last date was also absent. It seems that R.T not interested to proceed the case hence filed".

According to the appellant the order as passed by the Charity Commissioner means issuance of injunction against Mr. Dhakane to discharge his role as Vice President of the society for which reason he had no authority to issue notice to convene meeting of the society. I find no substance in this submission. The order does not in any manner injunct Mr.Dhakane as is contended. This order is passed on a change report. Accordingly, in my opinion, the proposed general body meeting of the society convened by Mr. Dhakane cannot be interdicted on the interpretation as pressed into service by the appellant in respect of the order passed by the Charity Commissioner. The meeting will therefore have to proceed. No ad-interim relief as prayed for by the appellant can be granted. Hence this

appeal fails and same is dismissed.

Civil Application is also dismissed.